

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY BEAGLE,

Plaintiff(s),

v.

RITE AID CORPORATION,

Defendant(s).

No. C 08-01517 PJH

ORDER OF DISMISSAL

The court having been advised by Magistrate Judge James following a settlement conference, that the parties have agreed to a settlement of this case,

IT IS HEREBY ORDERED that this case is dismissed **without** prejudice; however, if any party hereto shall certify to this Court, with proof of service of a copy thereof to the opposing party, within sixty (60) days from the date of this order, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this case shall forthwith be restored to the Court's calendar to be set for trial.

If no certification is filed, after passage of sixty (60) days, the dismissal shall be **with** prejudice.

The December 10, 2009 date for pretrial conference and the January 25, 2010 date for trial are VACATED.

IT IS SO ORDERED.

Dated: December 3, 2009



PHYLLIS J. HAMILTON
United States District Judge